IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 2578 OF 2004

IN

CRIMINAL APPEAL NO. 879 OF 2000

Bhaskar Ramjibhai Salia .. Applicant

versus

Palsingh Bhajansingh & ors. .. Respondents

...

Mr.M.L. Naik for the applicant.

Mr.D.P. Adsule, APP for the State.

CORAM : V.M. KANADE, J

DATED : 28th September 2004.

P.C:-

1. Heard the learned counsel appearing on behalf of the applicant.

2. This is an application for return of the muddemal property and for a direction to the State to comply with the order of return of muddemal

property passed by the Addl.Sessions Judge, dated 7th April 2000. The Addl.Sessions Judge has directed that the ornaments be returned to the complainant who is the applicant herein on his furnishing bonds after the appeal period is over. In the mean time, the accused have preferred an appeal which is admitted and is pending hearing and final disposal. The present applicant had filed an application in this Court for return of the articles. However, the application was allowed to be withdrawn by order dated 25th February 2004. Thereafter, this present application has been filed.

3. The applicant was having a jewellery shop and the accused had stolen this jewellery which was subsequently seized under the provisions of section 27 of the Evidence Act. The accused thereafter are convicted. This jewellery has been identified by the complainant. Under these circumstances, the articles be returned to the applicant on his furnishing a personal bond and also on furnishing a surety towards the value of the said articles.

4. In the event at the hearing and final disposal of the appeal any adverse order is passed in respect of these articles, the applicant shall undertake to

return the said articles and/or equivalent amount.

5. Criminal Application is allowed in the above terms.

V.M. KANADE, J